

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION

MDL No. 1456

C.A. No. 01-12257-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

ALL ACTIONS

MOTION FOR LEAVE TO WITHDRAW AS CLASS REPRESENTATIVE

Larry Young, on behalf of the Estate of Patricia Young, and Ken Wright, co-executor of the Estate of Therese Shepley, on behalf of the same, ("Plaintiffs"), by and through their undersigned counsel, hereby respectfully move the Court for an Order allowing Plaintiffs to withdraw as class representatives of the Class 1 consumer class against the J&J Defendants. In support thereof, Plaintiffs state as follows:

1. On March 26, 2010, Plaintiffs filed a Notice of Voluntary Dismissal, seeking to dismiss their individual claims against the Johnson & Johnson Defendants without prejudice. *See* Dkt. No. 7013. The Motion was not opposed by any party.
2. On May 19, 2010, upon application of Class Counsel, this Court entered Case Management Order No. 33, requiring Plaintiffs to file a motion seeking court approval. CMO 33 also directed Class Counsel to file a motion to add any proposed new Class 1 representative(s) to replace the Plaintiffs, or alternatively, to advise the Court that they do not intend to seek court approval to add new Class 1 representative(s).
3. On June 9, 2010, Class Counsel filed a Motion to Add Class Representative for the J&J Defendants seeking to have Mrs. Jimmie Austed added as a Class 1 representative for the J&J

Defendants. *See* Dkt No. 7128. As the Motion states, it has not been opposed by any party, including the J&J Defendants against whom the class has been certified.

4. Based upon the prior stated positions of the parties, and the fact that Class Counsel have moved to add a class representative in place of Plaintiffs, Plaintiffs do not anticipate any opposition to the instant Motion.

WHEREFORE, Plaintiffs respectfully move the Court for an Order allowing Plaintiffs to withdraw as class representatives of the Class 1 consumer class against the J&J Defendants

Dated: June 16, 2010

By: /s/ Donald E. Haviland, Jr.
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Counsel for Plaintiffs Larry Young and Ken Wright, co-executor of the estate of Therese Shepley

CERTIFICATE OF SERVICE

I, Donald E. Haviland, Jr., Esquire, hereby certify that on, June 16, 2010, I filed the Motion for Leave to Withdraw as Class Representative for Approval to Voluntarily Dismiss Claims Against the J&J Defendants with the Clerk of this Court and used the CM/ECF system to send notification of such filing to all registered person(s).

/s/ Donald E. Haviland, Jr.